

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:10-CV-095-RLV-DCK**

LOUIS H. BILLIPS, JR.,

Plaintiff,

v.

NC BENCO STEEL, INC.,

Defendant.

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ORDER

THIS MATTER IS BEFORE THE COURT on “Defendant’s Motion To Compel And For Sanctions And For Expedited Hearing And/Or Decision” (Document No. 17) filed July 1, 2011. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and is ripe for disposition.

The pending motion has now been fully briefed, and the undersigned notes that the issues have been narrowed such that Defendant has withdrawn its motion to compel, but continues to seek sanctions against Plaintiff. (Document No. 22). Under the circumstances, the undersigned has determined that a hearing on the pending motion is appropriate and would be helpful to the Court.

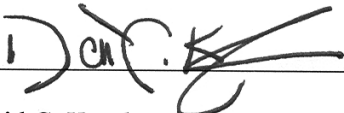
In preparation for the hearing, the undersigned will require Defendant to file a detailed summary of the costs and fees it contends it should be awarded *if* its motion is granted. Of course, the parties are respectfully encouraged to attempt to resolve this dispute through amicable agreement without necessitating the additional costs of a hearing.

IT IS, THEREFORE, ORDERED that counsel for the parties shall appear before the undersigned for a Motion and Status Hearing, on **Wednesday, August 3, 2011 at 3:30 p.m.** in Courtroom #3. Counsel should be prepared to discuss Defendant’s pending motion for sanctions (Document No. 17) and the status of this case.

IT IS FURTHER ORDERED that Defendant shall file an itemized bill of reasonable expenses, including attorney's fees, incurred in attending the attempted deposition of Plaintiff on June 30, 2011, and in filing the pending motion, on or before **Tuesday August 2, 2011 at 12:00 p.m.**

SO ORDERED.

Signed: July 29, 2011



David C. Keesler
United States Magistrate Judge

